

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD LUEBBERS,) No. C 11-3750 LHK (PR)
Plaintiff,) ORDER OF DISMISSAL
v.)
MEDICAL LVN BISHOP, et al.,)
Defendants.)

)

On August 11, 2011, Plaintiff, a state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On October 4, 2011, Plaintiff filed a letter requesting that his court action not continue. The Court construes Plaintiff's letter as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Plaintiff may voluntarily dismiss his complaint without order of this Court if he files his notice before Defendants serve an answer or motion for summary judgment. *See Fed. R. Civ. P. 41(a)(1)(i); American Soccer Co. v. Score First Enters.*, 187 F. 3d 1108, 1110 (9th Cir. 1999) (noting that a plaintiff has an "absolute right" to dismiss his action voluntarily before defendant serves an answer or a motion for summary judgment). Accordingly, this action is DISMISSED without prejudice. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: 10/14/11



LUCY H. KOH
United States District Judge